

SOIL CONSERVATION DIVISION[27]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 161A.4(1), the Division of Soil Conservation of the Department of Agriculture hereby amends Chapter 10, "Iowa Financial Incentive Program for Soil Erosion Control," Iowa Administrative Code.

The previous summer construction incentive provisions for soil erosion control provided an increased cost-share rate for constructing conservation practices from June 1 to September 15. The summer construction incentive provisions have been revised with an incentive payment for the establishment of conservation cover in place of cropland to allow for the establishment of permanent conservation practices during the growing season.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 25, 2009, as **ARC 7594B**. The public comment period closed on March 17, 2009. Comments made were generally supportive.

Since publication of the Notice, two changes have been made. Provisions for summer construction incentives were amended to limit the availability of the state summer construction incentives in conjunction with federal summer construction incentives. Additionally, the language concerning the planting of a conservation cover was clarified by stating that the cover is for erosion control purposes on the construction site.

The Department finds that these amendments confer a benefit on the public by permitting sufficient time for program implementation. The Department also finds that delaying the effective date would be impracticable. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

These amendments are subject to the Division's general waiver provisions.

These amendments are intended to implement Iowa Code section 161A.2.

These amendments became effective on April 1, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 10.41(5) as follows:

10.41(5) Summer construction incentives (SCI). ~~Unspent funds distributed to the voluntary program in any fiscal year may be used for SCI cost share up to 60 percent if there are not adequate requests for permanent practices to obligate the balance. Funds are available for the planting of a conservation cover crop in place of cropland during the growing season to extend the construction season for the purpose of the installation of conservation practices. This practice shall be applied using the conservation crop rotation standard. Summer construction incentives are only available in conjunction with state-funded conservation practices.~~

ITEM 2. Amend subrule 10.60(2) as follows:

10.60(2) *Summer construction incentives.* ~~Commissioners may enter agreements providing for cost sharing up to 60 percent of the cost of establishing approved, permanent soil and water conservation practices where the establishment of that practice involves a construction project which begins after June 1 but before September 15 of any calendar year. Commissioners shall not use state cost sharing funds to pay such incentives when requests for cost sharing at the 50 percent level are sufficient to use all of the district's allocation for that fiscal year. In addition to cost share for the establishment of a permanent conservation practice, up to \$200 per acre is available for the establishment of a conservation cover crop and to offset income lost from cropland acres taken out of production during the growing season. Payment will be made upon completion of the permanent conservation practice. To qualify:~~

a. The field being treated shall be in row cropland during the growing season in which the permanent conservation practice is being constructed.

b. The construction area shall be planted with a conservation cover for erosion control purposes on the construction site.

c. The construction of the permanent conservation practice shall take place between June 15 and October 15. Work must be started and completed between these dates and verified by the technician prior to payment of the incentive.

d. Only the land necessary for the construction is eligible for this incentive. The construction work area shall be determined by the technician.

e. The construction work area shall not be used to grow a row crop except for the required conservation cover crop.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/22/09.